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in California it is that "education" is a "state affair" and not a "municipal affair," in any case where the distinction is necessary, or any conflict between state and local action. (See 1 *California Law Review*, 142; 2 *id.* 459). But, while a city may not do anything in derogation of or in conflict with the general school system of the state, there is no constitutional objection to the city aiding in and furthering educational objects. This, we submit, is the doctrine, and not inconsistently maintained, through *Kennedy v. Miller* (1893), 97 Cal. 429, 32 Pac. 558, and the many cases upholding the general thesis that "the school system is a matter of general concern, and not a municipal affair"; as well as in the cases of *In re Wetmore* (1893), 99 Cal. 146, 33 Pac. 769, and *Law v. San Francisco* (1904), 144 Cal. 384, 77 Pac. 1014, holding that a city is not precluded from issuing municipal bonds in aid of schools of the city school district. And, so far as any lawyer is concerned, the court showed that there was no inconsistency here in their opinion in the case of *Los Angeles City School District v. Longden* (1905), 148 Cal. 380, 83 Pac. 246. Many pages in the text are devoted to showing the contradictoriness of the court's judgments. And for what end?

W. C. J.

SOURCES OF ANCIENT AND PRIMITIVE LAW. Evolution of Law Series. By Albert Kocourek and John H. Wigmore. Little, Brown & Co., 34 Beacon St., Boston. 1915. pp. xii, 702. \$4.00 net.

PRIMITIVE AND ANCIENT LEGAL INSTITUTIONS. Evolution of Law Series. By Albert Kocourek and John H. Wigmore. Little, Brown & Co., 34 Beacon St., Boston. 1915. pp. xiii, 704. \$4.00 net.

American teachers of economics, history, political science and sociology as well as of law have surely heeded Coke's "*melius petere fontes.*" Nowhere else in the world can be found such an apparatus of source books and case books to lead the student to the fountains of knowledge, the original texts. And now Professors Kocourek and Wigmore have made available a treasure of material bearing upon ancient and primitive law and legal institutions, hitherto concealed for the most part in unfamiliar languages and in out of the way publications. The average student in our law schools and the great mass of members of the bar will, of course, refuse to bother their heads with what Post has to say on *Ethnological Jurisprudence*, or Tarde on the *Imitation Theory*, or Kohler on *Comparative Jurisprudence*, with the *Code of Hammurabi* or the laws of Gortyn. But here and there a few unique and eccentric persons will be found to whom the law is more than "a rag-bag from which they pick out the piece and color that they want," and to such these books will prove most valuable in aiding to exhibit the law as an "anthropological document." What von Ihering said of the China of his day, that she was the veritable *Don Quixote* of the principle of nationality, might in some measure

be applied to our own legal system. The average lawyer or law student in this country certainly regards the English speaking races as God's chosen people so far as concerns law and legal institutions, and is most unwilling to concede any value to the study of foreign legal systems or ideas. Much labor will have to be done in fields apparently remote before this theory will be finally dislodged. The present volumes make that labor more possible. That this collection introduces us to the law making process with primitive man rather than with man in his civilized state is no just ground for criticism, any more than that the editors chose to reprint sources rather than to give us in their own words the results of their studies. It is to be hoped, however, that some day we may have, even in a form which may not satisfy their own high standards, an exposition of this field in their own language by the learned and accomplished editors of these collections. A wider group of readers would, it is believed, be reached by such a work than by this one.

O. K. M.

Books Received

A TREATISE ON THE LIMITATION OF ACTIONS AT LAW AND IN EQUITY. By H. G. Wood. 4th edition, by Dewitt C. Moore. Matthew Bender & Company, 109 State St., Albany, N. Y. 1916. Vol. I, pp. ccliii, 754. Vol. II, pp. xiii, 1010. \$15.00.

AMERICAN PUBLIC HEALTH PROTECTION. By Henry Bixby Hemenway. The Bobbs-Merrill Company, Indianapolis, Indiana. 1916. pp. 283. \$1.25.

UNIFORM BUSINESS LAW. By Coleman H. Bush. The H. M. Rowe Co., Harlem Square, Baltimore, Md. 1915. pp. x, 465. Cloth, \$1.10, buckram, \$1.25.

ACCEPTANCES, THEIR IMPORTANCE AS A MEANS OF INCREASING AND SIMPLIFYING DOMESTIC AND FOREIGN TRADE. Prepared and Issued by The American Exchange National Bank, New York. 1916.